

REMARKS

The present application was filed on November 26, 2003 with claims 1-18. Claims 5 and 15 have been previously canceled, and claim 19 was previously added. Claims 1 and 16-18 are the independent claims.

In the outstanding Office Action dated April 16, 2008, the Examiner: (i) rejected claims 1-4, 6-11, and 16-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent App. Pub. No. 2005/0027664 (hereinafter “Johnson”); (ii) rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent App. Pub. No. 2003/0120630 (hereinafter “Tunkelang”); and (iii) rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Tunkelang, and further in view of U.S. Patent App. Pub. No. 2004/0006456 (hereinafter “Loofbourrow”).

With regard to the multiple §103(a) rejections, Applicants assert that the primary reference relied upon (e.g., Johnson) may not preclude patentability under §103. The present invention is assigned to International Business Machines Corporation as recorded on Reel 014425, Frame 0961 on March 12, 2004. Further, the Johnson reference is a patent application also assigned to International Business Machines Corporation (see Reel 014360, Frame 0478). Applicants assert that because Johnson only qualifies as prior art under §102(e), and because Johnson was subject to an obligation of assignment to the same entity at the time the present invention was made, Johnson may not preclude patentability under §103(c). Accordingly, Applicants therefore respectfully request withdrawal of the §103(a) rejections of claims 1-4, 6-14, and 16-19.

In view of the above, Applicants believe that claims 1-4, 6-14, and 16-19 are in condition for allowance, and respectfully request withdrawal of the §103 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James M. Lee". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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